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OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Winter et al. :
Application No. 08/332,046 : DECISION ON PETITION
Filed: November 1, 1994 : UNDER 37 CFR 1.182
Attorney Docket No. 620-3 :
:

This is a decision on the petition under 37 CFR 1.182, filed April 24, 2008 , requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

The above-noted abandoned application failed to make a specific reference to the prior-filed application; namely, PCT/GB89/01344, filed November 13, 1989, prior to abandonment. Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed application. The petition is accompanied by an amendment to include a reference to the prior-filed application in the first line of the specification following the title of the invention.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. *See Sampson v. Commissioner of Patents and Trademarks*, 195 USPQ 136 (DC DC 1976). A petition under 37 CFR 1.78(a)(3), however, is required if the later-filed application is a utility or patent application filed on or after November 29, 2000. If the later-filed application is a utility or plant application filed before November 29, 2000, a petition under 37 CFR 1.182 is required.

Applicant has filed a petition under 37 CFR 1.182, an amendment to insert the reference, and paid the petition fee. The instant application claims benefit of the PCT application by way of intermediate application Nos. 07/796,805 and 07/580,374. The instant application is a file-

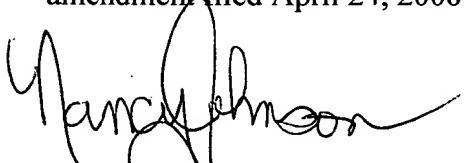
wrapper-continuation of application No. 07/796,805. By decision mailed March 30, 2009, the Office amended application No. 07/580,374 to be a continuation of PCT/GB89/01344.

In view thereof, the request for entry of an amendment to insert a reference to the above-noted, earlier-filed application is granted.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

This application is being forwarded to Technology Center Art Unit 1636 for entry of the amendment filed April 24, 2008.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
08/332,046	11/01/1994	1636	1126	620-3	31	1

CONFIRMATION NO. 4509

23117

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CORRECTED FILING RECEIPT



OC000000043809957

Date Mailed: 10/01/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

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Power of Attorney:

Thomas Byrne--32205

Domestic Priority data as claimed by applicant

This application is a CON of 07/796,805 11/25/1991 ABN
which is a DIV of 07/580,374 09/11/1990 ABN
which is a CON of PCT/GB89/01344 11/13/1989

Foreign Applications

UNITED KINGDOM 8826444.5 11/11/1988
UNITED KINGDOM 8906034.7 03/16/1989
UNITED KINGDOM 8909217.5 04/22/1989
UNITED KINGDOM 8911047.2 05/15/1989
UNITED KINGDOM 8912652.8 06/02/1989
UNITED KINGDOM 8913900.0 06/16/1989
UNITED KINGDOM 8918543.3 08/15/1989
UNITED STATES OF AMERICA PCT/GB89/01344 11/13/1989

If Required, Foreign Filing License Granted: 10/01/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 08/332,046**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND RECEPTORS

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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